

United States District Court
FILED

E-FILING

NORTHERN

DISTRICT OF

CALIFORNIA

2008 JUN 13 A 10:54

UNITED STATES OF AMERICA

V.

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. 08-70354
CRIMINAL COMPLAINT

Jose Luis HERNANDEZ-Juarez

08-70354

RS

CASE NUMBER:

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than, May 27, 2008, in Santa Cruz County in the Northern District of California defendant(s)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

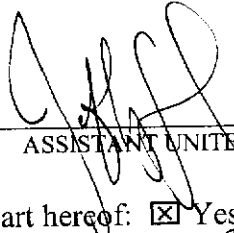
in violation of Title 8 United States Code, Section(s) 1326
I further state that I am a(n) Deportation Officer and that this complaint is based on the following
facts:
Official Title

SEE ATTACHED AFFIDAVIT

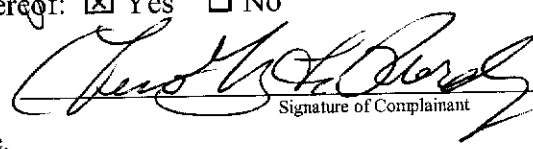
PENALTIES: \$250,000.00 fine, ten (10) years imprisonment and \$100.00 special assessment fee and a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant.

APPROVED AS TO FORM:


ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No


Signature of Complainant

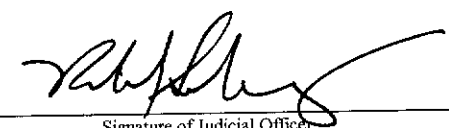
Sworn to before me and subscribed in my presence,

6/13/08
Date

at

San Jose, California
City and State

Richard Seeborg
UNITED STATES MAGISTRATE JUDGE
Name & Title of Judicial Officer


Signature of Judicial Officer

A 95 423 674

RE: Jose Luis HERNANDEZ-Juarez

I am a Deportation Officer of the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE). I have been employed by this agency, U.S. Customs & Border Protection and the former Immigration and Naturalization Service (INS), since October 1, 2002. I am currently assigned to the Criminal Alien Program at the San Jose, California Sub-Office. In such capacity, I have reviewed the official immigration "A-File" relating to the above named defendant, which attests to the following:

- (1) The DEFENDANT Jose Luis HERNANDEZ-Juarez (AKA: Jose HERNANDEZ), is a 29 year-old single male whose DOB is currently understood to be September 10, 1978. He is a citizen and native of Mexico as substantiated by multiple statements made to that effect by the DEFENDANT on June 10, 2004, January 14, 2005 and June 9, 2008 during an interview that was initiated by ICE Immigration Enforcement Agent (IEA) Joshua Arambulo at the San Jose, California DRO Sub-Office;
- (2) The DEFENDANT has been assigned Alien Registration number of A 95 423 674, FBI number of 72198AC4, California Criminal State ID Number of A24365910 and PFN Number DYL544;
- (3) On February 3, 2003, the DEFENDANT was convicted in the Superior Court of California/County of Monterey, for the offense of: POSSESSION OF A CONTROLLED SUBSTANCE, a felony, in violation of California Health and Safety Code Section 11350(A) and sentenced to (49) days in jail;
- (4) On April 21, 2004, the DEFENDANT was convicted in the Superior Court of New Jersey/County of Hudson, for the offense of: SHOPLIFTING, a misdemeanor, in violation of New Jersey Penal Code Section 2(C) 20-11 and sentenced to (122) days in jail;
- (5) On July 29, 2004, the DEFENDANT was determined to be unlawfully present in the United States by the EOIR Immigration Judge, Newark, New Jersey and was subsequently removed from the United States to Mexico on August 10, 2004;
- (6) On January 19, 2005 the DEFENDANT was convicted in the United States District Court/District of Arizona, for the offense of: ILLEGAL ENTRY INTO UNITED STATES, a misdemeanor, in violation of Title 8 United States Code, Section 1325 and sentenced to (45) days in jail;
- (7) On February 25, 2005, the DEFENDANT was determined to be unlawfully present in the United States by the District Director, Phoenix, Arizona and was subsequently issued an Expedited Removal from the United States to Mexico;

RE: Jose Luis HERNANDEZ-Juarez

A 95 423 674

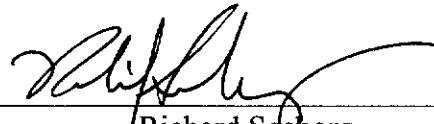
- (8) The DEFENDANT, on a date unknown, but no later than May 27, 2008, in Santa Cruz County in the Northern District of California, was found to be unlawfully present in the United States, after prior arrests and removals/deportations, without the permission of the Attorney General or the Secretary of Homeland Security, in violation of Title 8, Section 1326. On June 9, 2008, the DEFENDANT was interviewed by (IEA) Arambulo at the San Jose, California DRO Sub-Office, and during the interview, the DEFENDANT was read his **Miranda** rights in the Spanish language. The DEFENDANT provided a written sworn statement which attested to the fact that he was unlawfully present in the United States, after prior arrests and removals/deportations, without the permission of the Attorney General or the Secretary of Homeland Security;
- (9) The DEFENDANT'S official A-File does not contain any record or indication that he either requested or received permission from the Secretary of the Department of Homeland Security or the Attorney General of the United States to reenter the United States;
- (10) On June 9, 2008, the DEFENDANT'S fingerprints were taken as part of the standard booking procedure at DRO/ICE San Jose. A latent print examiner at the Santa Clara County Sheriff's Department compared those fingerprints with fingerprints of Juan Gabriel CORNELIO on official documents in his Administrative File. The latent print examiner determined that the fingerprints were identical.
- (11) Based on the above stated information, this Officer believes there is sufficient probable cause that the Defendant is present within the United States in violation of Title 8, United States Code, Section 1326.



Timothy F. Purdy
Deportation Officer

Immigration and Customs Enforcement

Subscribed and sworn to before me this 13th day of June, 2008



Richard Seeborg

UNITED STATES MAGISTRATE JUDGE